

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MENES ALEXANDER WEIGHTMAN,

Plaintiff,

v.

Case No. 22-cv-1447-bhl

ELLEN O'BRIEN, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Menes Alexander Weightman, who is currently incarcerated at the Oshkosh Correctional Center, is representing himself in this 42 U.S.C. §1983 action. On March 8, 2024, the Court granted Defendants' summary judgment motion and dismissed this action. On March 25, 2024, Weightman filed a motion for an extension of time to appeal. He explains he has limited access to the law library and notes that he is scheduled to be released on April 30, 2024. He also asks the Court to waive the appellate filing fee, noting that he has been indigent throughout these proceedings.

Under Fed. R. App. P. 4(a)(1), a party must file a notice of appeal within thirty days after the entry of judgment. Fed. R. App. P. 4(a)(5)(C) allows a court to extend a party's deadline to file a notice of appeal to no more than thirty days after the prescribed time. Because judgment was entered on March 8, 2024, Weightman's deadline under Rule 4(a)(1) to file a notice of appeal is April 7, 2024. Under Rule 4(a)(5)(C), the Court may extend that deadline to—at the latest—May 7, 2024. Consistent with these requirements, the Court will grant Weightman's motion and extend

his deadline for filing a notice of appeal to May 7, 2024. The clerk's office is directed to include a blank notice of appeal form when it sends this decision to Weightman.

The Court will not, however, grant Weightman's request to waive the appellate filing fee. Under 28 U.S.C., §1915(b)(1), prisoners who bring an appeal are required to pay the full \$605 appellate filing fee. Weightman may seek to appeal without prepayment of the filing fee (*in forma pauperis*). If he does so while he is incarcerated, he must also submit a certified copy of his trust account statement for the six-month period preceding the filing of his appeal.

IT IS THEREFORE ORDERED that Weightman's motion for an extension of time to file a notice of appeal (Dkt. No. 48) is **GRANTED**. Pursuant to Fed. R. App. P. 4(a)(5)(C), Weightman must file his notice of appeal by April 7, 2024. This deadline cannot be further extended. The clerk's office is directed to mail Weightman a blank notice of appeal form.

IT IS FURTHER ORDERED that Weightman's motion to waive the \$605 appellate filing fee (Dkt. No. 48) is **DENIED**.

Dated at Milwaukee, Wisconsin on April 1, 2024.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge